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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/451,442	11/30/1999	KENJI MIKAMI	35.C14160	9073

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EXAMINER

PARK, CHAN S

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/451,442

Applicant(s)

MIKAMI ET AL.

Examiner

CHAN S PARK

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 15 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/22/04 has been entered.

### ***Response to Amendment***

2. Applicant's amendment was received on 7/22/04, and has been entered and made of record. Currently, **claims 1-9, 15 and 18** are pending.

### ***Response to Arguments***

3. Applicant's arguments with respect to **claims 1-9, 15 and 18** have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

4. The drawings are objected to because 'MEMORY' is misspelled in S2601 of fig. 26. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. The disclosure is objected to because of the following informalities:  
Perhaps, "DC/WS 11" should be replaced with "PC/WS 11", page 20, line 18.  
Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 3, 4, 6, 15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Itakura et al. U.S. Patent No. 6,356,893.

6. With respect to claim 1, Itakura discloses a data processing apparatus comprising:

a data processing apparatus (terminal 10) comprising:

an instruction input unit (input device 48), arranged to input a manual instruction by the operator (col. 6, lines 44-45);

a process unit (CPU 40), arranged to execute a predetermined process based on the input by said instruction input unit;

a connection unit (modem 16), arranged to connect with an external device;

a storage unit (queue 84 & image buffer in col. 13, lines 27-36), arranged to store message data received from the external device through said connection unit (col. 6, lines 1-6);

a display unit (display 12), arranged to display the message data stored in said storage unit (col. 8, lines 31-32);

a discrimination unit, arranged to discriminate whether a predetermined period of time has elapsed (e.g., every one minute in line 32) since a last input of an instruction ('resume' button) by the operator (col. 8, lines 31-40); and

a control unit, arranged to control said display unit to display information based on the message data received from the external device through said connection unit and stored in said storage unit, in case said discrimination unit discriminates that the predetermined period of time has elapsed since the last input of an instruction (col. 8, lines 31-40).

Note that after the predetermined period of time has elapsed since the resume instruction, a new message is displayed.

7. With respect to claim 2, Itakura discloses the data processing apparatus according to claim 1, wherein said display unit displays a display image frame different for each process function executed by said process unit (window frame 60 & frame 62 in fig. 7 & col. 8, lines 24-27), and said control unit controls the display based on the message data (message including URL) received from the external device through said connection unit and stored in said storage unit, according to the display image frame for which the information is intended (col. 8, lines 24-27).

8. With respect to claim 3, Itakura discloses the data processing apparatus according to claim 1 or 2, wherein said display unit is adapted to display a display image frame of information based on the message data (col. 8, lines 18-20) received from the external device through said connection unit and stored in said storage unit, and an

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operation image frame (buttons 64, 66, 68 and 69 & instruction buttons in window frame 60) for input by said instruction input unit (input device 48).

9. With respect to claim 4, Itakura discloses the data processing apparatus according to claim 3, wherein said display unit is adapted to display first display information (message) to be displayed in place for the operation image frame (window frame 62) for input by said instruction input unit, based on the message data received from the external device through said connection unit and stored in said storage unit (col. 8, lines 18-20), and second display information to be displayed in the operation image frame (window frame 60 or 62).

10. With respect to claim 6, Itakura discloses the data processing apparatus according to claim 1 or 2, wherein said control unit receives, as electronic mail data, message data of the information to be displayed by said display unit, from the external device through said connection unit and stored in said storage unit (col. 6, lines 5-13).

Message is delivered in electronic data form from the message provider.

11. With respect to claim 15, arguments analogous to those presented for claim 1, are applicable.

12. With respect to claim 18, arguments analogous to those presented for claim 1, are applicable.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itakura as applied to claim 1 or 2 above, and further in view of Martenson U.S. Patent No. 6,219,708.

13. With respect to claim 5, Itakura discloses the data processing apparatus according to claim 1, wherein said control unit receives, by MIB (message DB 26 in col. 6, lines 19-22), message data for the information to be displayed by said display unit and stored in said storage unit (queue or image buffer), and executes reception from the external device through said connection unit (col. 8, lines 1-12).

Itakura does not disclose expressly that the control unit executes reception from the external device through said connection unit according to SNMP.

Martenson discloses a data processing apparatus comprising a control unit for receiving, by MIB, message data for the information to be displayed by a display unit and stored in a storage unit, and executes reception from the external device through said connection unit according to SNMP (col. 10, lines 1-4, 23-29).

Itakura & Martenson are combinable because they are from same field of endeavor that is the network communication.



At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the SNMP communication method of Martenson into the data processing apparatus of Itakura.

The suggestion/motivation for doing so would have been to receive/transmit the message data using SNMP in the network.

Therefore, it would have been obvious to combine Itakura with Martenson to obtain the invention as specified in claim 5.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itakura as applied to claim 6 above, and further in view of Martenson.

14. With respect to claim 7, arguments analogous to those presented for claim 5, are applicable.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itakura as applied to claim 1 or 2 above, and further in view of Henderson et al. U.S. Patent No. 6,185,603 (hereinafter Henderson).

15. With respect to claim 8, Itakura discloses the data processing apparatus according to claim 1.

Itakura, however, does not disclose expressly that the display unit is capable of displaying information of plural display colors, and said control unit is adapted to vary the display color according to the priority contained in the message data received from the external device through said connection unit and stored in said storage unit.

Henderson, the same field of endeavor of the message displaying art, discloses a data processing apparatus comprising display unit for displaying information of plural display colors, and a control unit is adapted to vary the display color according to the priority contained in the message data received from an external device through said connection unit and stored in a storage unit (col. 7, line 64 – col. 8, line 4).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the color display of Henderson with the data processing apparatus of Itakura.

The suggestion/motivation for doing so would have been to distinguish each messages using different color.

Therefore, it would have been obvious to combine Itakura with Henderson to obtain the invention as specified in claim 8.

16. With respect to claim 9, Itakura discloses that the storage unit comprises an accumulation unit (image buffer) for storing plural files (URLs with image data), wherein said control unit is adapted to cause said display unit to display information (URL) indicating the file accumulated in said accumulated in said accumulation unit (col. 13, lines 25-26 & col. 8, lines 23-30).

Itakura, however, does not disclose expressly that the display unit is capable of displaying the information with different display color according to the attribute of the file.

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Henderson, the same field of endeavor of the message displaying art, discloses a data processing apparatus comprising display unit for displaying information with different display color according to the attribute of the file (col. 8, lines 15-18).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the color display of Henderson with the data processing apparatus of Itakura.

The suggestion/motivation for doing so would have been to distinguish each messages using different color.

Therefore, it would have been obvious to combine Itakura with Henderson to obtain the invention as specified in claim 9.

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**Conclusion**


17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp  
February 1, 2005

Chan S. Park  
Examiner  
Art Unit 2622

  
EDWARD COLES  
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